

**SUPREME COURT MINUTES
MONDAY, MAY 23, 2005
SAN FRANCISCO, CALIFORNIA**

S025519

PEOPLE v. DICKEY (COLIN R.)

Opinion filed: Judgment affirmed in full

Opinion by Brown, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin, & Moreno, JJ.**S121532**B167044 Second Appellate District,
Division Seven

JEVNE v. S.C. (JB OXFORD HOLDING, INC.)

Opinion filed: Judgment affirmed in full

Opinion by Kennard, J., Acting Chief Justice

--- joined by Werdegar, Chin, Brown,
Moreno, JJ.; Vartabedian, J.* and Ward, J.***Vartabedian, J. -- Associate Justice, Fifth
Appellate District., assigned by Acting Chief
Justice pursuant to article VI, section 6 of the
California Constitution.**Ward, J. -- Associate Justice, Fourth
Appellate District, Division Two, assigned by
Acting Chief Justice pursuant to article VI,
section 6 of the California Constitution.**S125643**A101754 First Appellate District,
Division Five

M. (K.) v. G. (E.)

Request for extended media coverage granted

Request for media coverage, Filed May 23,
2005, is granted, subject to the conditions set
forth in rule 980, California Rules of Court.**S125912**

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)

Request for extended media coverage granted

Request for media coverage, filed May 23, 2005,
is granted, subject to the conditions set forth in
rule 980, California Rules of Court.

S126945

B167799 Second Appellate District,
Division Three

H. (KRISTINE) v. R. (LISA)

Request for extended media coverage granted

Request for media coverage, filed May 23, 2005,
is granted, subject to the conditions set forth in
rule 980, California Rules of Court.

S066527

PEOPLE v. LINDBERG (GUNNER J.)

Extension of time granted

to July 25, 2005 to file respondent's brief.

S123832

C043716 Third Appellate District

AGUA CALIENTE BAND OF CAHUILLA INDIANS
v. S.C. (FAIR POLITICAL PRACTICES COMM.)

Extension of time granted

On applications of both parties and good cause
appearing, it is ordered that the time to serve and
file petitioner's (Agua) and real party's (Fair
Political Practices Commission) responses to
various amici curiae briefs is extended to and
including July 7, 2005.

S124639

ANNIN (RAYMOND) ON H.C.

Extension of time granted

to May 26, 2005 for petitioner to file the reply to
the informal response.

S128603

D042251 Fourth Appellate District,
Division One

COPLEY PRESS v. S.C. (COUNTY OF SAN DIEGO)

Extension of time granted

Petitioner's (Copley Press) time to serve and file
petitioner's response to the amicus curiae brief
filed by Peace Officers Research Association of
California's Legal Defense Fund in support of
real parties is extended to and including June 10,
2005.

S128640

F043125 Fifth Appellate District

PEOPLE v. WELLS

Extension of time granted

Respondent's time to serve and file the answer brief on the merits is extended to and including June 24, 2005.

S129476

B176918 Second Appellate District,
Division Five

SMITH v. S.C. (L'OREAL, USA)

Extension of time granted

to June 27, 2005 for petitioner to file the reply brief on the merits.

S130762

HARRISON (CEDRIC) ON H.C.

Extension of time granted

to June 20, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy Attorney General Michael D. O'Reilly's representation that he anticipates filing that document by 10/27/2005.

S133439

BURNEY (SHAUN) ON H.C.

Extension of time granted

to June 30, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Warren P. Robinson's representation that he anticipates filing that document by 7/29/2005.

S133079

H026596 Sixth Appellate District

PEOPLE v. BIRREY

Counsel appointment order filed

the Sixth District Appellate Project appointed to represent appellant on the appeal now pending in this court.

S123808

E033616 Fourth Appellate District,
Division Two

RICO v. MITSUBISHI MOTORS

Order filed

On application of appellants and good cause appearing, it is ordered that the request to file the motion and oversize reply brief on the merits under seal is hereby granted.

S117726

E032377 Fourth Appellate District,
Division Two

CUMMINS, INC. v. S.C. (COX)

Orders filed (2)

- (1) The request of counsel for petitioners to allow two counsel to argue on behalf of petitioners at oral argument is hereby granted.
- (2) The request of petitioners to allocate to Tami S. Mason 20 minutes and Thomas Murphy 10 minutes of petitioners's 30-minute allotted time for oral argument is granted.

S119046**STATE OF CALIFORNIA ex rel. RoNo LLC v.
ALTUS FINANCE, S.A.**

Orders filed (3)

- (1) The request of counsel for Defendants and Appellants to allow two counsel to argue on behalf of Defendants and Appellants at oral argument is hereby granted.
- (2) The request of Defendants and Appellants to allocate to Theodore J. Boutrous, Jr. 10 minutes and James E. Lyons 10 minutes of Defendants and Appellants 30-minute allotted time for oral argument is granted.
- (3) The Attorney General's Requests for Judicial Notice, filed March 15, 2004, July 2, 2004 and October 6, 2004, are granted. Judicial notice request of Apollo Advisors et al., filed May 14, 2004, is granted.

S124179

D041058 Fourth Appellate District,
Division One

KOEBKE v. BERNARDO HEIGHTS COUNTRY
Request for judicial notice granted

Plaintiffs' request for judicial notice, filed on
May 19, 2005 as part of their reply to
respondent's newly cited authority, is granted

S125912

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)
Orders filed (2)

- (1) The request of counsel for real parties in interest to allow three counsel to argue on behalf of real parties in interest at oral argument is hereby granted.
- (2) The request of real parties in interest to allocate to Kara Read-Spangler 10 minutes, Mary Jane Hamilton 10 minutes, and Courtney Joslin 10 minutes, of real parties in interest's 30-minute allotted time for oral argument is granted.

S133806

CAZELLY v. S.C. (PEOPLE)
Order filed

The above-entitled matter is transferred to the
Court of Appeal, Fourth Appellate District,
Division Three.

S133878

BEDROSIAN v. SUPERIOR COURT
Transferred to CA 2

The above-entitled matter is transferred to the
Court of Appeal, Second Appellate District.

BAR MISC. NO. 5005

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS FOR NONPAYMENT OF DUES
Order filed

Due to clerical error on the part of the State
Bar of California, and good cause appearing,
it is ordered that the order of suspension for
nonpayment of dues filed on July 26, 1985,
effective August 5, 1985, be amended nunc
pro tunc to strike the name of **Donald Delano**
Rosen.

S118232

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS FOR NONPAYMENT OF DUES
Order filed

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 23, 2003, effective September 16, 2003, be amended nunc pro tunc to strike the name of **Samuel Harry Pfaff**.

S134020

IN THE MATTER OF THE APPLICATION OF
THE COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted as attorneys at law in all courts of the State of California upon their taking the prescribed oath before a competent officer on or after May 23, 2005, and within the time limits specified in Rule IX of the Rules Regulating Admission to Practice Law in California, is hereby granted:
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S132086

DELANEY ON DISCIPLINE
Recommended discipline imposed

It is ordered that **William Roger Delaney, State Bar Number 140230**, is suspended from the practice of law in the State of California for two years and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that

execution of the two-year suspension is stayed; and that he is placed on probation for three years on the conditions of probation, including sixty days' actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 4, 2005. Delaney is ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and to provide satisfactory proof of his passage of that examination to the State Bar's Office of Probation in Los Angeles within that same year. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar, and one-half of those costs is added to and is part of Delaney's annual State Bar membership fees for the years 2006 and 2007. (Bus. & Prof. Code, § 6086.10.)

S132087

GARRETT ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ANN TAYLOR GARRETT, State Bar No. 70923**, be suspended from the practice of law for two years and until she complies with the requirements of standard 1.4(c)(ii) and until she makes the specified restitution, as set forth more fully below, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 30 days and until she makes restitution to Wendy LaRue (or the Client Security Fund if appropriate), in the amount of \$500.00 plus 10% interest per annum from December 31, 2001, and furnishes satisfactory proof thereof to the State Bar's Office of Probation. If **Ann Taylor Garrett** is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Ann Taylor Garrett** is also ordered to comply with the other

conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed January 20, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If **Ann Taylor Garrett** is actually suspended for 90 days or more, it is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132088

AGUILAR ON DISCIPLINE

Recommended discipline imposed

It is ordered that **RAUL VALADEZ AGUILAR, State Bar No. 56419**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **Raul Valadez Aguilar** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed January 21, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Raul Valadez Aguilar** is further ordered to comply with the Suspension Notification Requirements as set forth on pages 10-11 of the Stipulation Re Facts, Conclusions of Law and Disposition filed on January 21, 2005. Costs are awarded to the State Bar

pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S132089

O'BRIEN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **JAMES KASMIR O'BRIEN, State Bar No. 168485**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **James Kasmir O'Brien** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S132090

MORRISEY ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **ERIN MORRISSEY, State Bar No. 158015**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S132091

SPERLING ON DISCIPLINE

Recommended discipline imposed: disbarred

It is ordered that **Andrew John Sperling, State Bar Number 189965**, is disbarred from the practice of law in the State of California and that his name is stricken from the Roll of Attorneys of all persons admitted to practice in this state. Sperling is ordered to comply with rule 955 of the California Rules of Court and to

perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132092

TARASKA ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **MIKE THOMAS TARASKA, State Bar No. 138090**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)